

**NEW JERSEY CLEAN AIR COUNCIL**

<b><u>Clean Air Council Members</u></b> Allen Weston, Chair Maria Connolly, PP, AICP, Vice-Chair Leonard Bielory, M.D. Michael Egenton Timothy Fekete	<b><u>Clean Air Council Members</u></b> Toby Hanna, P.E. Stephen Milgrom Richard Opiekun, Ph.D. John Valeri Jr., Esq. Christine Buteas
<b><u>Clean Air Council Liaison</u></b> George Berdomas, 609-984-1483 <a href="mailto:George.Berdomas@dep.nj.gov">George.Berdomas@dep.nj.gov</a>	<b><u>NJ Clean Air Council Website:</u></b> <a href="http://www.state.nj.us/dep/cleanair">http://www.state.nj.us/dep/cleanair</a>

**New Jersey Clean Air Council Meeting Record**

Meeting via Microsoft Teams

Wednesday, September 21, 2022

CALL TO ORDER	Allen Weston opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
ABSENT	Christine Buteas
EXCUSED	Timothy Fekete
REPRESENTED	Michael Egenton represented by Kimberly Scarborough, PSEG
GENERAL PUBLIC ATTENDEES	Adam Neuman, IBEW
NJ DEP Staff	Francis Steitz Kenneth Ratzman George Berdomas

### **Meeting Summary**

Meeting was called to order and attendance was taken. Allen Weston requested Maria Connolly to run the business of the meeting.

George Berdomas provided an update regarding the appointment package at the Governor's Office for the council members.

Moved the nomination committee recommendation from the September meeting to October.

Francis Steitz presented the administrative report (below).

Minutes from July meeting were approved.

Locations for the Monthly Council meetings from October 2022 through June 2023 were discussed. A revised meeting list will be provided to the council in appointments (below)

In preparation for the October meeting to discuss the annual hearing topic, John Valeri and Toby Hanna requested Director Steitz to solicit feedback from DEP management on the hearing topic. Richard Opiekun suggested Air Toxins/HABS as the topic. Motion to adjourn was called by Maria Connolly with a motion from Dr. Bielory and second by Dr. Opiekun at 10:10 a.m.

### **Administrative Report**

*Presented by Francis Steitz, Director of Air Quality*

#### **1. It Pay\$ to Plug In dashboard is now live:**

DEP's grant program for electric vehicle charging stations now has a live dashboard to communicate the number and types of charging stations funded by our program as well as the total dollar amount funded. The dashboard was made possible by the new interactive Tableau software that DEP recently purchased. [Home - Drive Green - Air Quality, Energy and Sustainability \(AQES\) | Department of Environmental Protection \(nj.gov\)](#)

#### **2. EV charging toolkit for multi-unit dwellings:**

DAQ has prepared a toolkit for electric vehicle (EV) charging at multi-unit dwellings. The goal is twofold: 1. Ensure stakeholders understand the requirements of the model ordinance as they apply to new multi-unit dwellings (P.L. 2021, c.171) ; and 2. Increase the number of existing multi-unit dwellings that have charging stations or make ready infrastructure for charging stations. Even though about 25% of NJDEP's It Pay\$ to Plug In grants already go to multi-unit dwellings, this outreach and awareness effort will assist in meeting the EV law targets (15 percent of multi-unit dwelling properties shall have charging stations or made available by December 31, 2025).

#### **3. 25% EV growth rate in the last 6 months:**

As of June 2022, the number of EVs registered in NJ is 80,583 compared to 64,307 six months ago – a 25% growth rate. EVs were also 5% of new vehicle sales which is an important milestone. Tesla still appears to be the dominant brand within the New Jersey fleet, but others are showing some signs of gaining traction. Another trend that continues is the lack of growth of plug-in electric vehicles, with all new growth being pure electric vehicles.

#### **4. CARB begins Advanced Clean Fleets rulemaking:**

CARB formally kicked off the rulemaking process for the Advanced Clean Fleet Regulation last week. The public comment period closes on October 17, and a public hearing will be held on October 27. The proposed regulation would require state and local government fleets, drayage trucks, high priority fleets, and federal fleets to phase in medium- and heavy-duty ZEVs, and light-duty package delivery ZEVs over time. As a backstop, the proposed regulation sets model-year 2040 as the end date for combustion-powered new medium- and heavy-duty vehicle sales in California. This rule complements the Advanced Clean Trucks rule, which NJ recently adopted. NESCAUM will likely provide testimony at the Board hearing.

**5. National working group for EV charging station roll-out:**

The National Association of State Energy Officials, the Association of State Highway Transportation Officials, and the Joint Office of Energy and Transportation launched an initiative to advance transportation electrification deployment planning and implementation at the state level. During a kickoff webinar the week of September 5 they explained how they will provide direct support for state agencies as they build-out EV infrastructure through the National EV Infrastructure program and other federal programs. Highlights include:

- Regional workgroup calls beginning late September with state DOTs and BPU's who will be relied on to invite state DEPs;
- NESCAUM, Georgetown and Atlas Public Policy are helping coordinate the effort;
- In person meetings January through March 2023 with state DOTs, BPU's and "invited guests;"
- Utility engagement meetings October through November 2022; and
- National conference May 2023

**6. Tennessee Gas Pipeline Compressor Station 325:**

On August 4, 2022, the Division of Air Quality (DAQ) held a public hearing on the draft air permit at the Sussex County Technical School in Sparta Township. Prior to the hearing, there was a demonstration in front of the venue by protestors against the project. About 120 people attended the hearing, including representatives from the facility, union members (for the project), the protestors, and local residents (most of them oppose the project). Of the 120 people in attendance, 49 of them provided oral testimonies. The most common issues raised by those opposing the project were:

- Emissions from blowdown events
- The expansion is to deliver natural gas to NY State, not for NJ
- This project does not fit into the Governor's 2030 goal for climate change

The comment period closed on August 8, 2022. Once all the comments are compiled, DAQ will be drafting the response to comment document.

**7. Permit Denial for the Aries Linden Sludge Processing Plant:**

On August 22, 2022, the Division of Air Quality (DAQ) denied a permit modification requested by the Aries Linden Sludge Processing Plant on March 10, 2021. The permit modification proposed to increase the quantity of biosolids processed from 430 tons per day to 450 tons per day. Aries Linden located in Linden, Middlesex County on the same property as Linden Roselle Sewage Authority (LRSA) with whom Aires has a contract to take LRSA's sewage sludge along with sludge and biosolids from other facilities.

DAQ staff determined that the application was administratively incomplete and asked Aries Linden to address a list of deficiencies on August 20, 2021, by submitting a revised application. DAQ has made multiple requests for the facility to address the administrative deficiencies. To date the facility has not fully addressed the identified deficiencies.

On June 27, 2022, DAQ informed Aires of its intent to deny the application unless the deficiencies were addressed by July 12, 2022. DAQ did not received a response from Aries addressing the deficiencies.

**8. Denial of Air Permit Due to Incomplete Information:**

On August 30, 2022, the Division of Air Quality (DAQ) denied an air permit for Procedyne, which manufactures fluidized beds and afterburners and recovers metals from plastic coated material using incinerators. The facility is a minor facility located in New Brunswick, Middlesex County. The facility was non-responsive to all identified deficiencies necessary to complete the technical review.

The original application was submitted on June 30, 2020. Since then, DAQ has had multiple communications with the facility, including meetings, in an attempt to resolve the extensive list of deficiencies, and has provided multiple opportunities to correct the deficiencies. However, the facility has only provided limited responses, leaving many of the deficiencies unaddressed. DAQ sent Procedyne two 'intent to deny' letters, most recently on July 19, 2022.

**9. Linden Cogen Removing Unbuilt turbine from Air Permit:**

On August 26, 2022, Cogen Technologies Linden Venture L.P. (Linden Cogen) submitted a modification to their air permit (Title V) to remove Unit 7 (250 MW simple cycle NG turbine) and associated equipment from the permit. The facility is located in Linden, Union County. The construction permit for Unit 7 was approved on June 13, 2019. Under the Federal PSD Rule, the facility had 18-months to start construction. Linden Cogen requested an 18-month extension pursuant to the Federal PSD Rule, which ended on June 13, 2022. As construction of Unit 7 has not commenced, Linden Cogen has decided to remove Unit 7 from their air permit, thus ending this project.

**10. Revocation of Air Permit for Middlesex Energy Center:**

On September 8, 2022, the Division of Air Quality (DAQ) revoked the air permit for the Middlesex Energy Center because construction has not commenced after six (6) years since the issuance of the original permit, pursuant to 40 CFR 52.21(r)(2). The facility is a proposed power plant with one simple-cycle natural gas turbine located in Sayreville, Middlesex County.

**11. USEPA Approves NJ SIP Revision for Removal of Startup/Shutdown/Malfunction (SSM) Provisions from Air Rules:**

On August 1, 2022, the USEPA approved the SIP revision for the removal of SSM provisions from N.J.A.C. 7:27-7.2. On October 10, 2017, NJDEP adopted a revision to N.J.A.C. 7:27-7.2 that deleted N.J.A.C. 7:27-7.2(k)2, which provided an exemption to emission limits for SSM activities. NJDEP submitted a SIP revision for this rule adoption to USEPA on December 14, 2017, to address a June 12, 2015, SIP call where USEPA found that the SSM exemption in NJ's air rules did not meet Clean Air Act requirements.

**12. USEPA Proposes to Approve NJ's Regional Haze SIP Revision to Improve Visibility at the Class I Area - Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge:**

On August 19, 2022, the USEPA proposed approval of the New Jersey Regional Haze State Implementation Plan (RH SIP) revision to protect and improve visibility levels in New Jersey's federally- designated Class I Area, the Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge. The RH SIP revision focuses on making reasonable progress in federal Class I areas towards reducing visibility impairment due to emissions from man-made sources.

The New Jersey RH SIP establishes the incremental progress goal for the second planning period (2018-2028) to move towards achieving natural background visibility conditions by 2064, as prescribed by the Clean Air Act

and consistent with the federal Regional Haze rules. The New Jersey RH SIP revision was submitted to USEPA on March 26, 2020. The USEPA intends to use its proposed approval for the New Jersey RH SIP as a national template for other states' regional haze SIP submittals. The deadline for submitting comments was September 19, 2022.

**13. USEPA Publishes Final Disapproval of 2008 Ozone "Good Neighbor" SIP for NY and NJ:**

On September 12, 2022, USEPA finalized disapproval of portions of New York and New Jersey's SIP submittals pertaining to ozone interstate transport (the "Good Neighbor" SIP) for the 2008 ozone National Ambient Air Quality Standard (NAAQS). Disapproval will not result in any further actions by EPA, nor will it result in sanctions including loss of highway funding. This final rule is effective on October 12, 2022.

USEPA proposed disapproval on November 3, 2021, and received comments from New Jersey, Pennsylvania, and the Midwest Ozone Group (MOG). Despite New Jersey commenting that mobile sources account for nearly 80% of the state's annual NOx emissions and requesting the "Good Neighbor" SIP should be approved, USEPA determined that the additional NOx emissions reductions from the federal Revised Cross-State Air Pollution Rule Update (RCU) were available and necessary to eliminate New Jersey's significant contribution. The USEPA finalized RCU on March 15, 2021, to reduce emissions of nitrogen oxides (NOx) from power plants in 12 states, including New Jersey.

**14. Refrigeration Registrations Activated:**

On September 14<sup>th</sup>, the Refrigeration Facility Registration was made available on NJDEPonline.com. The registration deadline was extended from October 1<sup>st</sup> to November 1<sup>st</sup>. Over 500 emails were sent to refrigeration facility contacts to announce the availability of the registration service. The service went live with eCheck and Bill Me capability with credit card payment being added shortly. The Bureau of Sustainability created and posted a step-by-step guide for the registration process on <https://dep.nj.gov/ghg/ghgmr-rule/refrigeration/>.

**15. RGGI 3<sup>rd</sup> quarter 2022 Auction:**

RGGI's third auction of 2022 took place on September 7, 2022, auctioning a total of 22,404,023 allowances at a clearing price of \$13.45. New Jersey sold approximately 2.9 million allowances, generating proceeds in the amount of \$38,600,814.

**Bonus items**

**16. BPU releases draft report on EV charging in underserved communities:**

On July 19, BPU released a draft report (Notice) to identify how low and moderate income communities can increase access to electric vehicles. The study included a series of interviews with local government representatives and community group leaders within three communities (Newark, New Brunswick, and Washington Township), and literature reviews on ridesharing/ride-hailing and multi-unit dwellings in order to identify best practices for increasing access to EVs in overburdened communities. The draft report recommends a series of policy, regulatory, and legislative strategies. DEP has funded several ridesharing and ride-hailing programs as well as chargers at multi-unit dwellings and will be releasing a toolkit to increase the number of the chargers at multi-unit dwellings.

**17. Electric rides to work:**

DEP awarded Jersey City, in partnership with Via, \$600,000 in RGGI funds earlier this year to increase their fleet from 5% electric vehicles to 25% to provide sustainable, shared mobility to low-income residents to travel to work and other destinations. Launched in 2020 in Jersey City, Via operates as a "Transportation Network

Company” (TNC) that enables rider to prearrange rides with eligible drivers that are independent contractors operating on the Via platform. They recently announced that their ridership has quadrupled in the 2 years since launch from 13,000 riders in 2020 to nearly 50,000 now. 36,000 people have used the service with the average person using it multiple times per week. 88% are minorities and 51% have household income below \$50K. This can serve as a blueprint for other towns to increase residents’ access to jobs. DEP will be seeking additional funding to expand on and replicate this model.

**18. New Jersey’s Vehicle Inspection and Maintenance Program:**

The Vehicle Inspection/Maintenance program (I/M) that has been run by Parsons since 1998 is being transitioned to a new Vendor (OPUS Group AB) beginning August 8. This system is a joint effort managed by MVC and DEP, with the current State Contract Manager being from MVC. The new system will use the existing Central Inspection Facilities (CIFs) and the network of Private Inspection Facilities (PIFs). The new vendor will install new vehicle inspection equipment at the CIFs, and the PIFs will be required to buy/lease new inspection equipment. The new equipment will be connected to databases managed by OPUS, with auxiliary data from MVC databases at NJ OIT. OPUS will take over operation of the CIFs by November 6. OPUS will operate the existing Parson equipment, network, and databases for 9 months, by which time they must completely test and implement their own equipment and software.

**19. CALSTART:**

A consulting firm specializing in transportation, is launching a Zero Emission Truck Affinity Group to provide a forum for states that have recently adopted or plan to adopt the Advanced Clean Trucks (ACT) rule. This forum will enable peer exchange of information, facilitate recruitment of new ACT states, and shape federal policies relevant to zero-emission trucks. Political leaders will be convened for an initial discussion and identification of needs through invitations that will be sent to Commissioners in the next month or so. CALSTART will also engage with partners (e.g., NESCAUM, US Climate Alliance) to inform meeting topics and conversations. This new effort is duplicative of the work that NESCAUM is already doing so resources are a concern.

**20. Buy America waiver for EV charging stations:**

Federal Highway Administration (FHWA) is proposing to amend the Buy America requirements for which no EV charging station vendor can currently meet. FHWA is proposing to issue a complete waiver for EV chargers and EV charger components that are installed in a project during calendar year 2022, including requirements for steel, iron, and manufactured product. FHWA also is proposing to require increasing future percentages of components be from the US, reaching 55% in 2024. FHWA would continue to require final assembly in the US for chargers installed after Jan. 1, 2023. The iron and steel content waiver is permanent provided the final assembly and cost component requirements are satisfied. [Federal Register :: Notice of Proposed Waiver of Buy America Requirements for Electric Vehicle Chargers](#)

## Clean Air Council FY22/23 Meeting Locations

### MEETING DATES & LOCATIONS (tentative)

**Meeting will be 9:30am – 12pm, every 3<sup>rd</sup> Wednesday of the month, unless otherwise noted.**

September 21, 2022	Microsoft Teams Meeting.
October 19, 2022	NJ Chamber of Commerce – 216 W. State Street Trenton, NJ
November 16, 2022	South Jersey Gas – Atlantic City Headquarters
December 21, 2022	IBEW – 299 Ward Street, East Windsor, NJ
January 19	ERM Location - 200 Charles Ewing Blvd. Conference Center Ewing, NJ
February 16	Kean University at the NJ Center Science, Tech and Math - Stem 512 Conference Room
March 16	Hybrid: 401 E. State Street, Trenton, NJ
April 19	Public Hearing Room - Microsoft Teams Meeting and in-person (hybrid). – 401 E. State Street, Trenton, NJ
May 18	PSEG's Energy & Environmental Resource Center (EERC). 244 Chestnut St., Salem, NJ.
June 15	Hybrid: 401 E. State Street, Trenton, NJ
July 20	7 <sup>th</sup> Floor Large Conference Room. Hybrid: 401 E. State Street, Trenton, NJ – present to the commissioner
August 17	No meeting. (Microsoft Teams Meeting, only if needed)
September 21	Hybrid: Microsoft Teams & In-person
October 19	Hybrid: Microsoft Teams & In-person
November 16	Hybrid: Microsoft Teams & In-person
December 21	Hybrid: Microsoft Teams & In-person